

Remarks

Obviousness-type Double Patenting

In the Advisory Action of October 30, 2002, the Examiner indicated that the double patenting rejection would not be held in abeyance. In order to be fully responsive to the final Office Action dated June 20, 2002, the Applicants respectfully offer the following remarks to overcome this rejection.

The Examiner has rejected claims 2 and 6-8 under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 2 of U.S. Patent No. 6,183,974 ("the '974 patent") (Paper No. 8, page 2, item 4). Applicants respectfully traverse this rejection. Applicants argue that the rejection is inappropriate because the Examiner has failed to argue how pending claims 2 and 6-8 are obvious in view of claims 1 and 2 of the '974 patent. "[A]ny analysis employed in an obviousness-type double patenting rejection parallels the guidelines for analysis of a 35 U.S.C. § 103 obviousness determination." *See* M.P.E.P.804 II(b). Applicants respectfully request reconsideration and withdrawal of this rejection.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn.

Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for continued examination. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

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